

REMARKS

The present remarks are in response to the Office Action dated March 5, 2010, in which the Office Action issued a rejection of claims 50, 51, and 53-62. In this response, Applicant has amended the claims, responds to the present Office Action with detailed comments to overcome the rejections, and respectfully requests that the pending claims be placed in a state of allowance. No new matter has been added.

A. Withdrawal of Finality of Rejection

In the Final Office Action, the Examiner finally rejected claims 50, 51, and 53-62. If an Applicant files a Request for Continued Examination (RCE) in a timely manner as set forth in 37 CFR 1.17(e) with a submission, the Office will withdraw the finality of any Office Action to which a reply is outstanding and the submission will be entered and considered. See 37 CFR 1.114(d). Although the Applicant disagrees with the Examiner's grounds for rejection, the Applicant has modified the independent claims 50 and 57 to include claim amendments that Applicant submits overcome the Examiner's rejection.

Firstly, the Applicant's independent claims 50 and 57 have been amended to include the limitation of the wireless device configured to receive the portion of the short message while the wireless device is in the active state and while no connection to the data network is active to minimize power consumption by the wireless device. Support for this limitation is provided in *inter alia* Paragraphs [0010] in the associated Published Application.

Secondly, the independent claims 50 and 57 have been amended to include the limitations of recently cancelled claims 53 and 61, respectively. The claims have been amended to include the limitation the proxy server configured to convert an identifier of a sender of the intercepted instant message to a short message format and that sends the converted identifier of the sender to the wireless communications device. Support for this limitation is provided in *inter alia* Paragraphs [0011] and [0037] in the associated Published Application.

Thus, the Applicant respectfully submits that substantive claim amendments have been made to the RCE. In view of the amendments and changes to the claims, the Applicant requests that the Examiner withdraw the finality of the Office Action and place all claims in a condition of allowance.

B. Claim Objections

The Examiner has objected to claim 54, citing an informality arising from a reference in claim 54 to the recently cancelled claim 52. The Applicant has amended claim 54 to address this objection. Applicant respectfully requests withdrawal of the objection.

C. Obviousness Rejections (35 U.S.C. § 103)

The Examiner has rejected claims 50-51 and 53-56 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,714,793 issued to Carey et al. (hereinafter referred to as "Carey") in view of the Original Specification pages 6-7 and U.S. Patent No. 6,564,261 issued to Gudjonsson et al. (hereinafter referred to as "Gudjonsson"). The Applicant respectfully disagrees with the Examiner's grounds for rejection.

Firstly, the Examiner cites Column 9, lines 35-38; Column 8, lines 66-67; and Figure 1 of Carey in support of the assertion that Carey teaches the wireless device configured to receive the portion of the short message while the wireless device is in the active state to minimize power consumption by the wireless device. However, at Column 9, lines 35-38, Carey merely teaches combining functions performed by a routing system with the instant message (IM) server or the short message service (SMS) service center. At Column 8, lines 66-67, Carey teaches that when a user sends an update recipient ability function to the IM routing server, the IM server checks availability (status) of recipients and sends the results back to the mobile unit device. Nowhere in the cited portions of Carey or elsewhere does Carey teach a wireless device configured to receive the portion of the short message *while the wireless device is in the active state to minimize power consumption by the wireless device*. Rather, Carey teaches receiving a *status update* subsequent to a user *sending an update recipient ability function*. The update recipient ability function is

sent to the IM routing server, thus, Carey is using a data connection. In contrast, the Application teaches converting an IM to an SMS via a proxy server to allow receipt of the IM message content via SMS at an active wireless communications device while minimizing power consumption by avoiding use of a data connection. See Paragraph [0010] of the Application. Neither Carey, Gudjonsson or the AAPA, nor the combination of these teach the wireless device configured to receive the portion of the short message while the wireless device is in the active state to minimize power consumption by the wireless device.

The Applicant has amended the independent claims to indicate a wireless device configured to receive the portion of the short message while the wireless device is in the active state and while no connection to the data network is active to minimize power consumption by the wireless device. Applicant respectfully submits that Carey fails to teach this limitation.

The Examiner goes on to cite Column 3, lines 14-17; Column 7, line 53 – Column 8, line 30; Column 11, lines 32-64; and Figures 1-9, 19, and 21 in support of the assertion the Gudjonsson discloses a proxy server configured to maintain presence information even when a data connection does not exist between the wireless communication device and the wireless network.

The Applicant maintains that Gudjonsson does not support the Examiner's opinion. Rather, Gudjonsson fails to cure the deficiencies of Carey. The cited sections of Gudjonsson merely teach connection servers (col. 8, lines 19-21) that provide services such as: storing "presence data" associated with a user on a database (col. 8, lines 54-56), publishing dynamic user status information to indicate, "whether the user is currently online on his/her PC or not" (col. 8, lines 57-60), and providing users with the ability to check whether other users connected to the same connection servers are online (col. 8, lines 61-63).

Gudjonsson repeatedly emphasizes the need for the devices to be connected in order to establish, maintain, and monitor presence information. For example, at column 2, lines 20-22, Gudjonsson states, "status is usually defined as whether a user is currently connected to the network or not."

Column 7, line 53 to column 8 line 3D, and more specifically col. 8, lines 18-23, state, "[e]xternal users 7 and their respective client devices 11 ... can connect to

services within the cluster via a special connection service, that typically runs on serve(s) (connection servers) at the boundary of the cluster's firewall 9, and listens for connections on a specific port."

Column 8, lines 53-56, state that the user (not a proxy for the user) has, "the ability to define arbitrary sets of data related to that identity ... and this data is referred to herein as "presence" data of the user."

Column 11, lines 32-64, and more particularly lines 38-39, state, "the client 11 connects to the corresponding server 3 and establishes a secure connection with it."

Nowhere, and certainly not in the text cited in the action, does Gudjonsson disclose maintaining presence for a user even when that user is not connected. Gudjonsson discloses at column 3, lines 14-17 that, "the routing service allows users to send invitations to other users to establish an arbitrary communication session ... over arbitrary networks." But even here it does not say that the routing service or a server will maintain presence on behalf of a user even when that user is not connected. Accordingly, Carey and Gudjonsson, alone or in combination, do not teach all of the limitations of claim 50, nor does Gudjonsson provide any motive to modify the teachings of Carey to achieve the invention as claimed in claim 50.

Regardless, to expedite the prosecution of this patent application the Applicant has amended the independent claims to include a limitation of the proxy server configured to convert an identifier of the sender of the at least one instant message from the instant message format to SMS format, and sends the converted identifier to the wireless communications device. Note that the identifier is visible to the user of the wireless communications device when the user receives the SMS. See Paragraph [0037] of the Application.

The Examiner has cited Column 3, lines 24-27 and 50-66; Column 4, lines 11-33; Column 5, lines 43-50; Column 7, lines 12-22; Column 8, lines 19-21; and Figures 1, 6-7, and 9-10 of Carey in support of the assertion that Carey teaches a proxy server configured to convert an identifier of the sender of the at least one instant message from the instant message format to SMS format. However, none of the numerous cited portions of Carey teach conversion of identifying information from IM format to SMS format, nor does Carey teach this limitation elsewhere. At

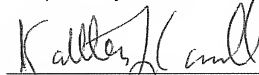
Column 3, lines 24-27, Carey teaches a routing server in communication with a SMS center that is in communication with one or more wireless carriers. At Column 3, lines 50-66, Carey explains the SMS protocol. At Column 4, lines 11-33, Carey explains the user registration process and the process for adding buddies in the IM system. At Column 5, lines 43-50, Carey describes the process for matching a destination number to a user profile and determining an action to take based on the destination number. At Column 7, lines 12-22, Carey teaches preparing an IM according to a predefined protocol and sending the IM to the SMS center. At Column 8, lines 19-21, Carey explains that each IM name in a list corresponds to a phone number assigned to the IM message routing center. Carey simply fails, at the cited locations or elsewhere, to teach converting an identifier of the sender of an IM from IM to SMS format and sending the identifier to the wireless communications device.

D. Conclusion

In view of all of the foregoing, claims 50-51, 54-60, and 62 overcome the Office Action rejections herein and are now patentably distinct and in condition for allowance, which action is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera International Inc.

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Respectfully Submitted;



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